S.B.Cr.Misc. Bail App. No.4569/2007

(Shrawan Singh vs. State of Rajasthan)

Date of order : September 27, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.M.K.Garg, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.
Mr.Vishal Sharma, for the complainant.

Heard learned counsel for the petitioner and the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned as well as the police investigation diary.

It is contended by learned counsel for the petitioner that a case has been instituted against the complainant party by Bhanwar Singh, father of the petitioner being FIR No.52/2007 in which the injured persons of this case viz. Madho Singh, Prahlad Singh, Madan Singh etc. are the accused. It is further contended by the learned counsel for the petitioner that the petitioner is in possession of a land for several years, however, in the revenue record, the name of the complainant party has wrongly been entered for which a revenue suit has been filed by the petitioner and his other family members against the complainant party of

this case. From the site map, learned counsel for the petitioner submits that it is the residential house of the petitioner and the complainant party was aggressor only on the strength that their names have been entered into the revenue record. The petitioner himself suffered as many as five injuries, one of which by sharp edged weapon on the skull and his father Bhanwar Singh also suffered as many as five injuries, one of which is on the forehead and another Bhanwar Singh has also suffered as many as five injuries.

From perusal of the police investigation diary of this case as also of cross-case being FIR No.52/2007, which is prior in time, it appears that both the parties have suffered injuries.

Having regard to the facts and circumstances of the case and the fact that there is a cross-case and the FIR lodged by the petitioner's father is prior in time, without commenting on the merit of the case, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Shrawan Singh s/o Bhanwar Singh be released on bail in FIR No.53/2007, P.S. Jayal, Distt. Nagaur provided he furnishes a personal bond

in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-